

drains and ditches so made shall be conducted to the nearest ditch, drain, water-course, or waste ground, and shall be kept open by said superintendent of roads and shall not be obstructed by the owner or occupant of such lands or by any other person or persons, under the penalty of forfeiting a sum of not less than five dollars nor exceeding fifty dollars, or imprisoned or worked on the public roads of the county for not less than ten nor exceeding thirty days for each and every offense which said penalty shall be enforced and collected by said board of county commissioners in the manner prescribed by law for the enforcement and collection of other penalties for violation of law, and said penalties when collected shall be paid over to the county treasury and credited to said road fund.

Drains not to be obstructed.

Penalty.

Penalties to road fund.

SEC. 9. That if any owner of any lands or the agent or agents of such owner having in charge lands from which timber, stone, gravel sand, or clay was taken as aforesaid shall present an account of the same to the superintendent of roads or to the said board of commissioners, it shall be the duty of said board to pay a just and reasonable price for the same; and any owner, agent or agents of such owner, shall have the right to appeal from the action of said board to the Superior Court.

Payment for material taken.

SEC. 10. The superintendent of roads shall have the authority and power to locate, relocate, widen, or otherwise change any public road, or parts of the same, or lay out and establish any new public road when in his judgment such location, relocation, widening, or other change, or the opening of a new public road is deemed necessary and advantageous to public travel; and he shall have the further right to abandon and discontinue any public road if the same is unnecessary and not advantageous to public travel; but the said superintendent of roads, before locating, relocating or changing any public road or establishing a new public road, shall file a petition signed by himself or some person interested therein, before the board of commissioners of said county, stating the changes, location, relocation of any public road or the plat of the establishment and opening of a new public road, with a survey of same by the county surveyor or other competent engineer, with the estimated cost of building and opening said road and the number of culverts and bridges thereon; and he shall further state that said changes, location, relocation, or opening of a new public road are necessary and advantageous to public travel. The said superintendent shall also give to the landowner or landowners on and over whose lands any changes, location, or relocation of any public road or the establishment of any new public road are to be made, or the discontinuing or abandoning of any public road, at least twenty days notice of the time and place of hearing of said petition by the said board of commissioners.

May change roads.

Petition for change.

Notice to landowners.